



Attorney's Docket No. 6374

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

In re application of: Northwestern University

Serial No.: 09/788,308

Filed: February 16, 2001

For: POLYPEPTOID PULMONARY SURFACTANTS

**Commissioner for Patents
Washington, D.C. 20231**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF
FIRST OFFICE ACTION (37 CFR 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8)

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Mary Perez

(type or print name of person certifying)

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.


NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Dated: July 17, 2002
Reg. No. 35,853
Tel. No.: (414) 298-8360



SIGNATURE OF ATTORNEY
Rodney D. DeKruif
Reinhart Boerner Van Deuren, s.c.
1000 North Water Street, Suite 2100
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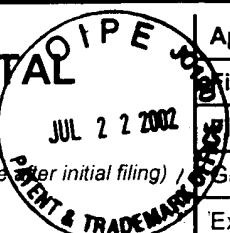
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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)



Application Number	09/788,308
Filing Date	02/16/2001
First Named Inventor	Annelise E. Barron
Group Art Unit	
Examiner Name	
Attorney Docket Number	6374

Total Number of Pages in This Submission

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<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) 1	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or	Rodney D. DeKruif, Esq. Reinhart Boerner Van Deuren s.c.
Signature	
Date	07/17/02

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.08

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Date: July 17, 2002

Reinhart Boerner Van Deuren, s.c.

By: Mary Perez
Mary Perez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Northwestern University)
Serial No.: 09/788,308)
Filed: February 16, 2001) Atty Docket No. 6374
For: POLYPEPTOID PULMONARY SURFACTANTS)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

On behalf of Applicant and pursuant to 37 C.F.R. § 1.97-.98, copies of listed patents and publications that may be relevant are hereby presented for consideration.

Respectfully submitted,

BY Rodney D. DeKruif
Rodney D. DeKruif

Dated: July 17, 2002

Registration No.: 35,853
Telephone No.: (414) 298-8360

Reinhart Boerner Van Deuren, s.c.
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1000 North Water Street, Suite 2100
Milwaukee, WI 53202

Customer No.: 22922

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Complete if Known

Application Number	09/788,308
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First Named Inventor	Annelise E. Barron
Group Art Unit	
Examiner Name	
Attorney Docket Number	6374

(use as many sheets as necessary)

Sheet	1	of	2
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[illegible][illegible]Date
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

of

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Complete if Known

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First Named Inventor	Annelise E. Barron
Group Art Unit	
Examiner Name	
Attorney Docket Number	6374

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		DING, TAKAMOTO, NAHMEN, LIPP, LEE, WARING and ZASADZINSKI, "Effects of Lung Surfactant Proteins, SP-B and SP-C, and Palmitic Acid on Monolayer Stability", Biophysical Journal, May 2001, pp. 2262-2272, Volume 80, Biophysical Society, California	
		LIPP, LEE, ZASADZINSKI and WARING, "Phase and Morphology Changes in Lipid Monolayers Induced by SP-B Protein and its Amino-Terminal Peptide", Science Magazine, August 30, 1996, pp. 1196-1199, Volume 273	
		KIRSHENBAUM, BARRON, GOLDSMITH, ARMAND, BRADLEY, TRUONG, DILL, COHEN and ZUCKERMANN, "Sequence-specific polypeptoids: A diverse family of heteropolymers with stable secondary structure", Proc. Natl. Acad. Sci. USA, April 1998, pp. 4303-4308, Volume 95, The National Academy of Sciences	

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